

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Luis Manuel GOMEZ-Dominguez,

Defendant

Magistrate Docket No.

'07 MJ 234

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

07 OCT -1 AM 10:48

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY


The undersigned complainant, being duly sworn, states:

On or about **September 29, 2007** within the Southern District of California, defendant, **Luis Manuel GOMEZ-Dominguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Terri L. Dimolios  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1st DAY OF OCTOBER,  
2007

  
Ruben B. Brooks  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:****Luis Manuel GOMEZ-Dominguez****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

On September 29, 2007, National Guard Scope Operator spotted a group of five individuals attempting to conceal themselves in the brush half a mile northeast of the Tecate, California Port of Entry. Senior Patrol Agent Napoli responded to the area; at approximately 5:30 A.M., Agent Napoli encountered four individuals hiding attempting to conceal themselves in thick brush. Agent Napoli identified himself as a Border Patrol Agent and questioned them individually as to their citizenship. All subjects, including one later identified as the defendant Luis Manuel GOMEZ-Dominguez, freely admitted to being citizens and nationals of Mexico who did not possess any immigration documents allowing them to be or remain in the United States legally. Agent Napoli apprehended the group and transported them back to the Tecate, California Border Patrol Processing Center.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on September 24, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico. When asked if he knowingly had crossed the United States/Mexico International border illegally. The defendant freely stated that he in fact crossed illegally because he did not possess any immigration documents allowing him to enter or remain in the United States legally. The defendant admitted that the records are true and his.

Executed on September 30, 2007 at 9:30 A.M.



Raul Castorena  
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on September 29, 2007, in violation of Title 8, United States Code, Section 1326.



Ruben B. Brooks  
United States Magistrate Judge

9/30/2007 at 11:55 a.m.  
Date/Time